



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,691	03/02/2000	Miek Dekeyser	Q058016	5083

7590 06/21/2004

Sughrue Mion Zinn MacPeak & Seas PLLC
2100 Pennsylvania Ave N W
Washington, DC 20037-3213

EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
----------	--------------

2614

//

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/517,691

Applicant(s)

DEKEYSER, MIEK

Examiner

Annan Q Shang

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, are rejected under 35 U.S.C. 102(e) as being anticipated by **Watson, Jr. et al (6,266,816)**.

As to claim 1, note the **Watson, Jr. et al** reference figures 1 and 2, disclose a cable television control apparatus including a television channel access controller connected at a node of a cable television network between the network and at least one subscriber household and further disclose a broadcasting unit for broadcasting, in an access network, channels of a distributive interactive service to a plurality of user terminals, the broadcasting unit comprising:

the claimed "channel selecting means for selecting, from among available channels at an input of said broadcasting unit..." is met by Selection Filter System (S-Filter) 60 of Channel Access Controller (CHA-Cont) 18 (figs. 1, 2, col. 9, lines 3-29 and col. 11, lines 2-25), note that S-Filter 60 is channel selecting means of CHA-Cont 18, a slave to Headend 12 (col. 10, lines 36-37), which selects channels from available channels at the input of CHA-Cont 18 "broadcasting unit," channels to be broadcasted;

the claimed "channel broadcasting means coupled to said channel selecting means for broadcasting said channels to said user terminals" is met by Microprocessor, Memory and Control Circuitry (MMC) 40 and Analog-to-digital/Video signal processor (AD/VSP) 80 (col. 10, lines 37-63 and col. 11, line 35-col. 12, line 6), note that MMC 40 and AD/VSP 80 are coupled to S-Filter 60, processes channel selection and broadcasts the selected channels to Television Receivers (TVRs) 29 "user terminals;"

the claimed "request receiving means for receiving from one of said user terminals, first type request information indicative of at least one requested channel" is met by Receiver (Rec) 46 (col. 11, lines 35-55), which serves a dual purpose, receives signals from Tuning Circuits (TC) 28 of TVRs 29 and searches for particular channel selection signals one at a time;

the claimed "request handling means coupled between said request receiving means and control input of said channel selecting means..." is met by MMC 40 and AD/VSP 80 (col. 10, lines 37-63 and col. 11, line 35-col. 12, line 6), note MMC 40 and AD/VSP 80, are coupled between Rec 46 and a control input of to S-Filter 60, for interpreting the first type request information and controlling S-Filter 60 to select the at least one requested channel and checking whether at least one requested channel is available at the CA-Cont 18 (col. 11, lines 35-55), note that MMC 40 controls Rec 46 to search for a particular channel selection of TVRs 29;

the claimed "request generating means coupled between said request handling means for generating second type request information indicative for unavailable request channel when at least one requested channel is not available at said broadcasting

unit..." is met by Rec 46 (col. 11, lines 2-25 and lines 38-52), note that Rec 46 is coupled to MMC 40 and AD/VSP 80 and S-Filter 60, which selects up to four channels from available channels transmitted from Headend 12, and CA-Cont 18 acts as a slave to Headend 12, where Headend 12 periodically polls the status information, viewing data, or requests (col. 10, lines 37-44), hence the Headend 12 "another broadcasting station" inherently receives requests for unavailable requested channels out of the four channels (col. 9, lines 30-37) at the input of CA-Cont 18 and transmits the requested channel to enable the Rec 46 to search for all other channels and meet the channel requests from the various TVRs 29; note further that MMC 40 controls Rec 46, and is in constant communication with Headend 12, sampling signals from individual subscriber households, tuning the tunable filter to provide authorized selected channels, accumulating channel viewing data, etc., (col. 10, lines 37-63).

As to claims 2 and 3, Watson, Jr. inherently teaches where Rec 46 generates second type request indicative for the unavailable requested channel in accordance with a standard zapping protocol, such as a channel change protocol already used for the first type request information and also teaches a standard signaling protocol, which enables the transmitting/receiving of requested channels at TVRs 29 (col. 9, lines 13-29 and col. 10, lines 45-63).

As to claim 4, Watson, Jr. further discloses where the access network comprising a plurality of AC-Cont 18 as defined, organized in multi-level topology (fig. 1 and col. 9, lines 3-19).

As to claim 5, As to claim 1, note the **Watson, Jr. et al** reference figures 1 and 2, disclose a cable television control apparatus including a television channel access controller connected at a node of a cable television network between the network and at least one subscriber household and further disclose a broadcasting unit for broadcasting, in an access network, channels of a distributive interactive service to a plurality of user terminals, the broadcasting unit comprising:

the claimed "first broadcasting unit supplied with plurality of television channels" is met by Headend 12 (fig. 1 and col. 9, lines 3-12), which is supplied with plurality of television channels;

the claimed "second broadcasting unit located closer to a plurality user terminals and supplied at an input with a limited selection of channels..." is met by Channel Access Controller (CHA-Cont) 18 (figs. 1, 2, col. 9, lines 3-29 and col. 11, lines 2-25), note that CHA-Cont 18 is a slave to Headend 12 (col. 10, lines 36-37), which selects channels from available channels at the input of CHA-Cont 18 "broadcasting unit," where a total of four channels are selected "limited selection of channels;" where a user's first type of requests, generated at Television Receivers (TVRs) 29, is received at CHA-Cont 18;

where the CHA-Cont 18 processes the first type by broadcasting channels in the four selected channels and send a second type requests to Headend 12 for channels not within the four selected channels; (col. 11, lines 2-25 and lines 38-52), note that Rec 46 is coupled to MMC 40 and AD/VSP 80 and S-Filter 60, which selects up to four channels from available channels transmitted from Headend 12, and CA-Cont 18 acts

as a slave to Headend 12, where Headend 12 periodically polls the status information, viewing data, or requests (col. 10, lines 37-44), hence the Headend 12 "another broadcasting station" inherently receives requests for unavailable requested channels out of the four channels (col. 9, lines 30-37), by periodically polling the status of at CHA-Cont 18 and transmits the requested channel to enable the Rec 46 to search for all other channels and meet channel requests from the various TVRs 29; note further that MMC 40 controls Rec 46 and is in constant communication with Headend 12, sampling signals from individual subscriber households, tuning the tunable filter to provide authorized selected channels, accumulating channel viewing data, etc., (col. 10, lines 37-63).

As to claim 6, Watson, Jr. further discloses where four selected channels is modified based on the first type requests receiver from user TVRs 29 at Rec 46 (col. 10, lines 37-44 and col. 11, lines 35-55).

As to claim 7, Watson Jr., further teaches a CHA-Cont 18 "second broadcasting unit," (fig. 1 and col. 9, lines 3-16 and col. 10, lines 37-44).

As to claim 8, note the **Watson, Jr.**, further discloses where the broadcasting unit comprising:

the claimed "a channel selector for selecting from said limited selection of channels" is met by Selection Filter System (S-Filter) 60 of Channel Access Controller (CHA-Cont) 18 (figs. 1, 2, col. 9, lines 3-29 and col. 11, lines 2-25), note that S-Filter 60 is a channel selector of CHA-Cont 18, a slave to Headend 12 (col. 10, lines 36-37), which selects channels from available channels at the input of CHA-Cont 18;

the claimed "a request receiver to receive said first type of requests from said user terminals" is met by Receiver (Rec) 46 (col. 11, lines 35-55), which serves a dual purpose, receives signals from Tuning Circuits (TC) 28 of TVRs 29 and searches for particular channel selection signals one at a time;

the claimed "request handler coupled to request receiver and said channel selector to process said first type of requests" is met by is met by MMC 40 and AD/VSP 80 (col. 10, lines 37-63 and col. 11, line 35-col. 12, line 6), note MMC 40 and AD/VSP 80, are coupled between Rec 46 and a control input of to S-Filter 60, for processing the first type requests and controlling S-Filter 60 to select the at least one requested channel available at the Headend 12 (col. 11, lines 35-55), note that MMC 40 controls Rec 46 to search for a particular channel selection of TVRs 29;

the claimed "request generator coupled between said request handler for generating second type requests to said broadcasting unit..." is met by Rec 46 (col. 11, lines 2-25 and lines 38-52), note that Rec 46 is coupled to MMC 40 and AD/VSP 80 and generates second type requests to Headend 12; where the second type of request modifies the four selected channels; note that available channels are transmitted from Headend 12, and CA-Cont 18 acts as a slave to Headend 12, which periodically polls the status information, viewing data, or requests, to modify the four selected channels (col. 10, lines 37-44).

Response to Arguments

3. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection discussed above. This Office Action is Non-Final.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watson, Jr. (6,453,473) discloses access device and system for managing television and data communications through a cable television network.

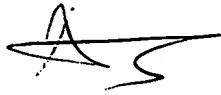
Wright (6,484,317) discloses method for routing data messages through a cable transmission system.

Cunningham et al (6,378,131) disclose local upstream hub for one-way cable system data/video/services requests.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at 866-217-9197 (toll-free).



Annan Q. Shang.



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600